

# CITY COUNCIL PROCEEDINGS

AUGUST 12, 2003

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 12, 2003  
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

(Retired) Rev. DeeDee Evans, Harry Hynes Memorial Hospice, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of August 5, 2003 were approved 7 to 0.

### AWARDS AND PRESENTATIONS

WICHITA'S PROMISE      Wichita's Promise - Youth Service Awards were presented.

AWARD                      IPMA-Kansas 2003 HR Best Practices Award was presented.

### PUBLIC AGENDA

#### Johnny Papin – Hope City Boxing Center and Awareness

Johnny Papin

Coach and founder of Hope City Boxing Center and Awareness, said awareness is of most concern - teaching kids to be functional citizens in the community with emphasis on good morals, being courteous, not involved with gang-related activities, having a clean mouth.

Mr. Papin said he started with a punching bag in his back yard. Kids watched and wanted to participate, and within one-month 26 kids were participating. Through boxing, discipline - a necessity for life - is emphasized. Hope City is a non-profit organization that has been operating in Mr. Papin's backyard for three-years. When it is too muddy, practice is in the driveway. Much has been accomplished - five state champions, five regional champions, and one third-place national. Mr. Papin said he wants kids to be tough enough not to be consumed by their environment or home circumstances. The kids study for school and four are honor-roll students.

Mr. Papin said he is in need of financial help. He has spent all of his money and needs consideration for any City funds available - grants or otherwise. Mr. Papin invited the Council to "come and see where the money is being spent and what is going on." A building has been located "in the hood." in the area.

Mayor Mayans

Mayor Mayans asked for an address so he could be in touch with Mr. Papin.

#### Stephanie L. Neals – Time for Respect

Stephanie L. Neals

Stephanie Neals said racism does exist in this City, but the problem is all over the world. Even so, Wichita is a beautiful place to live.

Ms. Neals encouraged moving forward with respect and honor for one another. There is a need to unite, learn to trust, and to educate ourselves on being better Americans.

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## UNFINISHED BUSINESS

CON2003-15

**CON2003-15 - CONDITIONAL USE FOR WRECKING/SALVAGE YARD, ON PROPERTY ZONED GENERAL INDUSTRIAL - NORTH OF 21ST STREET NORTH AND EAST OF BROADWAY - 700 EAST 21ST STREET NORTH. (DISTRICT VI)**  
**(CONTINUED FROM AUGUST 5, 2003)**

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 03-0178B

The applicant is requesting a Conditional Use amendment to permit the expansion of an existing wrecking/salvage yard permitted by CU-431, which was approved by the MAPC on May 15, 1997, for a 1.7 acre, unplatted tract located north of 21st Street North and east of Broadway at 700 E. 21st St. N. The applicant is requesting to expand the existing wrecking/salvage yard to the extent that the area approved for the wrecking/salvage yard would increase from 1.7 acres to 45.43 acres. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The surrounding area is characterized by heavy industry, with many resource-based industrial uses in the immediate vicinity. All of the properties surrounding the subject property are zoned "GI" General Industrial. Major uses in the vicinity of the subject property include: petroleum storage and refining and wrecking/salvage to the east; grain storage and wrecking/salvage to the north; meat product processing to the west; and wrecking/salvage to the south. The other existing wrecking/salvage operations in the vicinity pre-date the Conditional Use requirement for wrecking/salvage and are non-conforming uses.

The existing wrecking/salvage yard on the subject property has expanded in violation of the zoning regulations. The existing wrecking/salvage yard presently occupies approximately 10 acres of the subject property rather than the 1.7 acres permitted by CU-431, thus necessitating the application for the Conditional Use amendment. The applicant's site plan shows the current extent of the wrecking/salvage yard, which is located south of the southern-most "Phase Line." The site plan shows that the applicant proposes three additional expansion phases, for a total wrecking/salvage operation of 45.43 acres.

The applicant submitted a letter dated May 12, 2003, in which the applicant enumerates the proposed conditions under which the wrecking/salvage yard would operate. For the most part, planning staff finds the proposed conditions acceptable and is recommending only minor wording changes to the conditions so that the wording of the conditions is consistent with other recently approved wrecking/salvage yards. However, planning staff does not support three aspects of the applicant's proposal.

First, the number and scale of less-desirable, resource-based industrial uses in the vicinity already presents significant obstacles to the development or redevelopment property in the area. Planning staff is concerned that if the entire subject property were to become a wrecking/salvage yard, the character of the area would further lean toward exclusive use for wrecking/salvage, which would even further hinder the development or redevelopment of adjacent properties with more desirable, employment based industrial uses. Wrecking/salvage uses are generally considered an under utilization land because the property does not contain any building improvements or generate significant employment numbers to further the development and quality of life in the community. Also, such uses tend to cause environmental problems in an area where environmental problems already exist and a major environmental clean-up effort is under way. Therefore, planning staff recommends that the Conditional Use amendment permit expansion of the wrecking/salvage yard only to the area currently used and approximately the eastern one-third of the applicant's proposed first phase.

The second aspect of the applicant's proposal not supported by planning staff is the applicant's proposal to provide a screening fence only along the south end of the wrecking/salvage yard. Section III-

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D.6.e.(3) of the Unified Zoning Code (UZC) requires that a wrecking/salvage yard be entirely enclosed by an eight-foot high solid screening fence, even when adjacent to non-residential uses. The nature of a wrecking/salvage operation is such that it can have a significant negative impacts on even commercial/industrial uses and, therefore, the UZC requires screening of a wrecking/salvage yard from all uses. Since the UZC requirement for wrecking/salvage yard screening is a Supplementary Use Regulation, the requirement can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff does not recommend waiving the screening requirement.

The third aspect of the applicant's proposal not supported by planning staff is the applicant's proposal to display salvaged vehicle parts so that they are visible above the screening fence from 21st Street North. The current Conditional Use prohibits this practice as does the UZC; however, the applicant currently displays salvaged vehicle parts in violation of the zoning regulations. As with the screening fence, only the City Council can permit the applicant's proposed display of salvaged vehicle parts, but planning staff does not recommended granting the requested waiver.

No citizens either in favor or in opposition to the request that appeared at the hearings on the request. At the DAB 6 hearing on June 2, 2003, the DAB voted (7-4) to recommend approval for an area larger than recommended by staff but less than requested by the applicant subject to platting within one year and subject to the conditions recommended by staff except that a screening fence be required only on the south and west sides of the property. At the MAPC hearing on June 5, 2003, the MAPC voted (12-0) to recommend approval for the entire application area subject to platting within one year and subject to conditions recommended by staff, except that a screening fence not be required on a portion of the east side. The conditions of approval recommended by the MAPC are:

1. The Conditional Use shall authorize the operation of an iron, metal, and auto wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
2. Within 30 days of approval of the Conditional Use by the governing body, all portions of the subject property currently containing wrecking/salvage shall be entirely enclosed by a fence. The fence shall be a white metal panel screening fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence, except for along the eastern most property line adjacent to the drainage channel and railroad tracks and south of the excluded area shown on the approved site plan where a minimum 6-foot high chain link security fence shall be permitted. Prior to wrecking/salvage operations expanding onto any portion of the subject property permitted for such use said fence shall be erected to entirely enclose the expanded area. Access gates shall be permitted in the fence, but all gates shall remain closed unless in use. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the fence.
3. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.
4. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Environmental Health Department to prevent rodent harborage and breeding.
5. The applicant shall maintain at all times an active program for the eradication and control of rodents.
6. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.

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7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.
8. Access to the subject property shall be provided for an environmental investigation. Expansion of the wrecking/salvage operation beyond the current limits of the operation shall not occur for a period not to exceed six months from the date of approval of the Conditional Use by the MAPC or governing body, as applicable, to allow time to complete said environmental investigation. The applicant shall permit on-going inspections of the site for soil and groundwater contaminants by the Environmental Health Department and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells or permit geo probes on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.
9. Notification shall be given to the Environmental Health Department of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be place on file with the Environmental Health Department. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Health Department.
10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.
11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Since the MAPC recommended modifying the Supplementary Use Regulation of the Unified Zoning Code that requires a screening fence on all sides of a wrecking/salvage yard, City Council consideration of the request is required, as only the City Council can waive or modify a Supplementary Use Regulation through the approval of a Conditional Use.

On July 1, 2003, the City Council considered the Conditional Use request and voted (6-0) to return the request to the MAPC for reconsideration. On July 10, 2003, the MAPC voted (11-1-1) to recommend approval of the request subject to the same conditions recommended on June 5, 2003.

On August 5, 2003, the City Council deferred one week to allow Staff time to check with other government entities regarding possible bonding requirements for remedial conditions in case of contamination.

Motion --  
-- carried

Fearey moved that this Item be deferred one-week to allow Staff additional time to answer questions.  
Motion carried 7 to 0.

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## NEW BUSINESS

### **BUDGET**

### **2004 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2005 BUDGET.**

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 03-0851

The City Council has received public comments on the proposed 2004/2005 budget. On July 22, 2003, the City Council placed the budget ordinances on first reading and tentatively authorized the publication of the hearing notices. On July 31, the City Council approved amendments to the budget, authorized the amended publication of the hearing notices, and set the maximum mill levy for the 2004 City budgets.

2004 Operating Budget. The proposed 2004 annual operating budget has been published at \$370,056,380. Interfund transactions and appropriated fund balances increase this amount to \$492,196,102. The inclusion of the expendable trust funds, as required by State Law, is an additional \$55,342,105 for a total of \$547,538,207. As published, the budget will necessitate a mill levy of 31.845, no change from the levy requirement for the 2003 adopted budget.

The General Fund property tax levy is \$53,815,140 (including a delinquency allowance) at an estimated 21.845 mills. The levy for the Debt Service Fund is \$24,634,990 (including a delinquency allowance) and is estimated at 10.000 mills. The proposed budget for the Self-Supported Municipal Improvement District (SSMID) for downtown requires a tax levy of \$573,130. The estimated mill levy rate is 5.844 mills. Ad valorem tax increments to be collected from the Gilbert and Mosley and North Industrial Corridor tax increment districts are \$2,670,040 and \$1,165,300, respectively.

During budget workshops, one item discussed by the City Council was budgeting the Ice Rink Management Fund with a substantial contingency buffer for both expenditures and revenue. Upon further review, it is recommended to reduce the budgeted revenue and expenditure authorizations in that fund by \$900,000, from \$2,500,000 to \$1,600,000. If activity at the Ice Rink does increase above the \$1.6 million level, a change in appropriation level can be considered during budget deliberations next year. This amendment would reduce the total for all budgeted funds from \$370,056,380 to \$369,156,380. The new total, including appropriated fund balances, expendable trust funds, and interfund transactions would be \$546,638,207. This amendment would have no impact on the mill levy requirement or on any other fund.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City County budgets, as identified in the table below.

	CityShare	CountyShare	Revenue	Total
	743,690	743,690	0	1,487,380
Flood Control				
Metropolitan Area Planning	656,600	656,600	255,400	1,568,600

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions. An interlocal agreement between the City and County assigning the respective transitional obligations for public health services requires the City to pledge quarterly payments of \$175,000 each to Sedgwick County.

2003 Revised Budget. Revisions in the 2003 budget are proposed. Increased expenditure authorizations are needed for three funds. All revisions have been incorporated into the proposed 2004/2005 budget document as "2003 revised" amounts.

1. The Economic Development Fund increase of \$1,961,050 is due primarily to economic development items approved by the City Council subsequent to approval of the budget in August of 2002. Items include the Sports Hall of Fame (\$140,000), supplemental air subsidy to Frontier Airlines (\$500,000), and the Kansas Technical Training Institute (\$200,000). Additionally, an adjustment in the timing of the Frontier airline subsidy will require an unplanned 2003 payment of \$900,000.

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2. The Sewer Utility Fund is absorbing an additional bad debt allowance (\$311,200), made feasible by the full implementation of the new water billing system, and including an increased amount of debt service expense (\$1,517,000), which was the result of financing strategies employed to decrease the projected 2004 rate increase from 8% to 3%. These changes were determined after the 2003 budget had already been adopted. The Fund is increasing only \$697,180 because operating budget reductions have offset the required increases.

3. The Fleet Fund is increased \$4,380,870 primarily to accommodate the unused capital replacement component carried over from the prior year. The increase also provides for a reorganization of Park small equipment maintenance, transferring several employees and related expenses into this internal service fund (out of the General Fund).

Publication of the notice of formal hearing on August 1 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

It is recommended that the City Council close the public hearing and:

- (1) Approve the 2004 budgets (as amended) and adopt the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supported municipal improvement district (SSMID);
- (2) Approve amending the 2003 budget for the following funds: Economic Development, Sewer Utility; and Fleet;
- (3) Approve the joint agreements with Sedgwick County; and
- (4) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County).

Ray Trail	Director of Finance, responding to questions, said the amount of property taxes and the mill levy rate cannot fundamentally be changed at a later date; however, other changes that do not affect the property taxes and mill levy rate can be made.
Mayor Mayans	Mayor Mayans inquired whether anyone wished to speak.
Winston Brooks	USD 259 Superintendent suggested that for the first year, the School District might draw \$250,000 from its contingency fund, and the City Council be asked to do the same, to fund the School Resource Officer positions for all schools, including the new Stuckey Middle School. The City and the School District could then work together to apply for grant dollars to fund the program in years to come. This proposal would be contingent on the Board of Education approval at its next meeting.  The following persons spoke in favor of approval of School Resource Officers for all schools: Cathy Bush, Principal of Coleman Middle School Lynn Rogers, School Board Member Bobby Stout, Executive Director of the Wichita Crime Commission
Council Member Brewer	Council Member Brewer said a decision had to be made regarding where to put protection. The City Council has an obligation to protect the City. Most crime happens in the evenings and at night. Council Member Brewer encouraged consideration of the USD 259 Superintendent's suggestion, and he hoped any decision would be permanent and reliance would not be made on grants.
Norman Williams	Police Chief, responding to questions, said that, if SROs were reinstated, new officers would need to be hired. If the \$250,000 were available this year, unless the budget was increased by about \$500,000, the City would have potential layoffs in future years. There is a need for the new police beats and the beats should be left in-tact. It takes approximately 22- weeks of class training and then an additional 8- weeks, for a total of 30 weeks, before new officers are ready to be in service by themselves.

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The extra police beats were established last week. The call load has been balanced in all four bureaus. To change now would impact the Department's ability to provide services. Bringing two new beats on-line has been discussed for the last year. With additional development in the City, the additional beats were needed.

Mayor Mayans

Mayor Mayans said, "It is our responsibility as the elected officials to make decisions on the budget and not rely solely on some discussion that happened in a workshop or solely on a staff recommendation. Certainly, there is no question, in my mind or in anyone's mind - whether on the bench or in the City, that we have Staff that is doing an excellent job - and very capable. I don't think that has ever been in question."

"The Staff makes a recommendation and what they think would be a good proposal - and we have the right, and the opportunity, and the duty to question those recommendations. And, that any of us questions any of those recommendations has nothing to do with taking a negative look at the Staff or saying that they were wrong and we were right. We certainly, all as individuals, should respect each other for whatever decisions we make - but, the bottom line is that Staff is not elected. The people in the audience - we work for them. The Staff works for us and we work for those people. Sometimes we get a little confused and we think that they work for us. That's not the way it is. So, I want to make sure we have a clear understanding - and I don't know the best way to do it - is what our responsibilities are - fiduciary and to legislate, and the Staff is to administrate. They are the executive branch - and there should be a balance - and we need to realize that. We cannot continue to just administratively legislate. I've seen the problem in the Legislature. We pass a law - another branch changes it. We have to have checks and balances. We are the checks and balances and we need to make sure that we understand that. And, I'm going to make sure that we understand that over the next four-years. So, somehow, we're going to have to sit down and talk about it. And, we can talk about it in workshop - that's fine too. But, I'm going to tell you - I'm going to continue on this task that we are more accountable to the people - I'm going to continue on that crusade. It is a crusade because it is about the separation of power. It is about two different bodies - one is executive and one is legislative."

Council Member Brewer

Council Member Brewer said, "You are saying that the Staff does not understand - or some of them do not understand that we are the executive head of the Council for the City. I think each one of the Staff clearly understands."

Mayor Mayans

Mayor Mayans stated, "I think the understanding is more on our part - sitting here. It is not the Staff. The Staff understands their role."

Council Member Brewer

Council Member Brewer responded that everyone on the City Council, even the newest members, clearly understand their role. If the Council starts making administrative issue decisions, the Council will start dictating who should or should not get speeding tickets and fines, and who should or should not be hired or fired. Then the Mayor will be questioned as to why a person was hired or fired. Responsibilities of the Staff and City Manager have been designated and designed in City Ordinances.

Motion --

Mayans moved that the budget be amended by appropriating an amount not-to-exceed \$250,000 to fund new SRO positions for the middle schools in question, subject to USD 259 also appropriating a similar amount; and that Staff be instructed to apply, next year, for another grant for three-years to fund the SRO Program.

Council Member Schlapp

Council Member Schlapp said the motion should include that the City and the School District continue the negotiations - the good-faith activity and reaching out of hands.

Mayor Mayans

Mayor Mayans said the new positions, certainly, can not happen now. There was some question as to whether the positions would be funded in September. The School district would much rather have something than nothing. If there is some delay in the hiring and training, the moneys will not be spent in this fiscal year.

If the Council does nothing, there will be no SROs. If the Council does something, then the officers will be present some of the time. Staff can work in that area.

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Council Member Fearey Council Member Fearey said she did not have trouble working with the School District and putting \$250,000 in for when the officers can come on-line. The Officers cannot be provided when school starts in September.

If the Council is saying it wants to have \$250,000 put in the budget, and if the Police Chief can hire already trained people, and as they are hired, the new personnel can become SROs, or the new officers would go to the police beats and someone else who has been an SRO and wants to return to the position - that can be supported. The Council also must identify a source for the funding. The funding could come from the landfill post-closure contingency because some of that contingency was to be taken for this year. Some for next year's contingency could be put to this year without actually touching the post-closure fund.

Mayor Mayans Mayor Mayans said when the SROs come on board is not important - what does need to be addressed is amending the budget to appropriate - not expend - the funds. That way the money has been earmarked for this particular purpose. The City Council does not need to meddle in how the Staffs of both the School District and the City work out the administration portion of the details.

Council Member Martz Council Member Martz said he felt very strongly that the new police beats that have been implemented need to remain in place. It is unsure whether there are adequate officers to staff the SRO positions. In other cities, it is not unusual for SROs to be shared within schools. That option has been proposed so the SRO program can be continued in all middle schools for the time being. "I am in favor of continuing working with (USD) 259 - seeing if there is another way of implementing the plan, if possible, this year. It might be that we share schools. That might be part of the answer."

"Because of my confusion on that issue, I would like to offer a substitute motion."

Subst. Motion -- Martz moved a substitute motion that public hearing be closed; the 2004 Budgets and the amended 2003 Budget for Economic Development, Sewer Utility, and Equipment Motor Pool; approve the joint Agreements with Sedgwick County and the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees be approved; the necessary budget Ordinances including the tax increment financing (TIF) districts and the Self-Supported Municipal Improvement District (SSMID) be adopted; and the dialogue with USD 259 be continued.

Mayor Mayans Mayor Mayans said substitute motions are made when the members do not want to vote on the underlying motion and asked for the Council to vote 'No' on the original motion if the original motion was not considered a good motion. It is very disrespectful for another member to substitute their ideas for another member's idea without having given that member the respect to get a vote on that issue.

The Mayor asked that the substitute motion be withdrawn.

Council Member Martz Council Member Martz said he would not withdraw the substitute motion. Substitute motions are a method of operation the City has. The substitute motion is in order in the City Ordinance on the operation of how the City Council conducts business. The system is being used as it is designed by City Ordinance.

Gary Rebenstorf Director of Law explained that City Council rules, as set out in the Ordinance, provide for substitute motions to be made by Council Members. In the past, that is how the Council has operated. That is the Policy of the City Council. The Policy can be changed by the City Council but that is the Policy the Council has followed and has in place.

Mayor Mayans Mayor Mayans said the problem with the substitute motion is, that in essence, all other debate today on the budget has been curtailed. So, the outside audit debate will not happen either. If there are other members that have other offerings of other things they want to put in or take out of the budget - they are prevented from doing that. That is the unfairness of this thing.

Gary Rebenstorf Director of Law, responding to a question, explained that only one substitute motion can be made to an original motion.



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- Council Member Fearey Council Member Fearey stated that if \$250,000 is placed in the budget this year, whether or not intended, looks like a promise to have SROs. If the budget is approved as presented, discussions can be held with the Board of Education, funding can be worked out, and the funding can be found within the budget.
- Ray Trial Director of Finance explained that money could be moved around within a fund. And the Budget can be amended at any time by a City Council motion. If funds are to be moved from one fund to another, that process may occasion a more detailed process to formally amend the budget - but the City Council has that option. Adoption of the budget sets the upper limits but does not preclude moving of money within the budget at a later date.
- Council Member Gray Council Member Gray stated that the City Council needs, in the future, to be included in the budget process at a much earlier time than what has been done. It is hoped that the Council is included in the process much earlier next year.
- Council Member Fearey Council Member Fearey said Council Members put in many hours each week to serve the people.
- carried Substitute motion carried 4 to 3. Gray, Schlapp, Mayans - No.

## ORDINANCE NO. 45-773

An Ordinance making and fixing general tax levy for the city of Wichita, Kansas, for the year beginning January 1, 2004, and ending December 31, 2004, and relating thereto, and concurrently approving certain amendments to the 2003 adopted budget, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 3. Yeas: Brewer, Fearey, Lambke, Martz. Nays: Gray, Schlapp, Mayans - No.

## ORDINANCE NO. 45-774

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site Redevelopment District, city of Wichita, Kansas, for the fiscal year beginning January 1, 2004, and ending December 31, 2004, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 3. Yeas: Brewer, Fearey, Lambke, Martz. Nays: Gray, Schlapp, Mayans - No.

## ORDINANCE NO. 45-775

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor Redevelopment District, city of Wichita, Kansas, for the fiscal year beginning January 1, 2004, and ending December 31, 2004, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 3. Yeas: Brewer, Fearey, Lambke, Martz. Nays: Gray, Schlapp, Mayans - No.

## ORDINANCE NO. 45-776

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2004, and ending December 31, 2004, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 3. Yeas: Brewer, Fearey, Lambke, Martz. Nays: Gray, Schlapp, Mayans - No.

## INDUSTRIAL LAND

### REPORT FROM INDUSTRIAL LAND TASK FORCE.

Marvin Penner Marvin Penner reviewed the Task Force Report.

The Industrial Land Task Force was formed to evaluate the need for industrial land for economic development purposes. The following individuals comprised the membership of the Task Force:

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The Industrial Land Task Force was formed to provide its expert opinion and guidance on the issue of industrial land for development. The Task Force met on a number of occasions to review the need for industrial sites, necessary criteria to evaluate potential sites, identification of possible sites and proposed ownership/control of such sites.

Today, more than ever before, cities are being challenged with global competition for attracting and retaining businesses, creating new jobs, maintaining existing jobs, and assisting companies with growth and expansion. Because of the competition among cities/states, businesses have multiple choices as to where to locate or where to expand. In addition to various tax and cash incentives, many industries seek available land as a part of the competitive selection process. On occasion, land has become a primary issue in the local recruitment efforts by the City.

Over the years, the City Council has been asked to develop industrial parks for ready availability for new or expanding industry. The issue of competition with the private sector has always been a consideration. Most recently, several City-owned properties were viewed as possible industrial park locations. These included tracts known as Kingsbury (460 acres) and Furley (1,415 acres). However, neither of these sites is "shovel ready" or meet other recommended criteria, such as available utilities and other infrastructure needs. To make these sites ready for development would require significant costs.

Industrial Land: Some years ago, the City was involved in acquiring and making available an industrial area (Bridgeport) through the urban renewal program. Land was acquired, property demolished and the area improved with infrastructure. However, partly because of the area involved, and the other readily available (and considered more attractive) lands, this area was slow to develop. However, over the years, various businesses purchased this property leaving only a small acreage remaining for development purposes. Most recently, the City Council directed that a majority of the remaining land be devoted to soccer fields for adult soccer use.

Over the past several years, economic development professionals have relied almost completely on the ability of private development to provide ready-to-go industrial sites when required. In recent years, with the competitive nature of economic development recruitments, more and more businesses are seeking pre-certified sites, and in some cases, free sites and infrastructure for development. This presents a challenge to the City (and region) as to whether or not local governments should own or control land for industrial purposes and recruitment and, if so, how best to accomplish this objective.

Questions for Consideration: In approaching its task, the Industrial Land Task Force considered certain fundamental questions, some of which are listed for consideration:

1. Should the local government compete in the purchase or ownership of industrial land for development purposes?
2. If so, how best should the role be accomplished and under what considerations?
3. If not, how can the City/region be competitive with new business recruitment where land is a primary incentive being requested?
4. How best should a pre-certified site (or sites) be developed and what are the private and public roles to achieve the development?
5. If a determination is made that local governments should be active in development of industrial parks, publicly owned, where should such preferred sites be located?
6. If a determination is made that local governments should not be in an ownership capacity for such site development, how could the private sector be encouraged to play a role in such an effort?
7. Should local government be in an ownership, versus a control position; if so, how best should this be accomplished? Assuming the decision is to have private ownership of industrial land with no public involvement, what type of incentives will be required to have private land held for industrial purposes?
8. Should the City proceed with plans to develop one of its currently-owned sites for industrial purposes, or should it acquire more convenient and accessible land to best meet the criteria for industrial parks?
9. Should the City proceed to acquire land adjacent to its airports to protect its boundaries from unwanted development and for future industrial usage that rely on air transportation needs?

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Criteria for industrial developed land: Based on research and experience, it appears that the City (and region) would best be served by having designated lands under public control (for offering) or privately owned land that is readily accessible for development. Some of the recommended criteria necessary for such sites include:

- Adequate size (80-100 acres, shovel-ready and pre-permitted) to accommodate various types of business/industry.
- Availability of utilities (including fiber-optics, water reuse, etc.), infrastructure, etc.
- Convenient access to good transportation (i.e. highways, rail, good access roads, etc.)
- Appropriate zoning (pre-permitting) in place for business/industrial development.
- Adjacent land available for expansion or assemblage of larger site.
- Multiple sites to accommodate various businesses, such as: general manufacturing; light industrial/assembly; office/technical services; call centers; warehousing and distribution/logistics; research & development, etc.
- Improved one-stop service and development assistance to meet timeframes for development.
- Environmentally approved.
- Available support services.

Site Identification: As part of the process, the Task Force studied a number of sites – measuring each site against the criteria established. One of the members, together with another real estate developer, also toured the City to review potential sites and suggest possible locations for industrial parks. Over twenty sites were identified as potential industrial sites. Based on the criteria, this listing was reduced to fourteen sites for further consideration and evaluation. Of these sites, the Task Force recommends that the preferred areas (listed generally so as not to identify any specific parcel) be forwarded to the City Council for further consideration:

1. 45<sup>th</sup> Street & Tyler area
2. 31<sup>st</sup> Street & Maize Rd. area
3. K-42 & Ridge Road area
4. 39<sup>th</sup> Street North & Toben area
5. Jabara Airport area
6. Greenwich Rd. & K-96 area
7. 31<sup>st</sup> Street & Hoover area

Note: The above sites will offer industrial uses for high-tech, office, warehouse, and manufacturing uses.

City versus Private Ownership: The Task Force generally felt that while private ownership and control of industrial sites – with a few exceptions like airport access – was preferable to public involvement, this might not be possible in all cases. In addition, for the private sector to be involved, some incentives may be required for such land to be made “shovel ready” and be held for industrial development. For the public to have some control over the land for offering new industrial prospects, developers would want some benefits and protection to avoid risk and holding costs. The Task Force identified a number of incentives for working with private ownership to hold land for a specified period (for industrial purposes). These include:

- Have the City (and/or County) bring utilities to the site and defer special assessments until the property is developed. (The private developer would still be liable for full cost, but would be able to benefit from alternative financing to reduce risk.)
- Refund City taxes on land until developed.
- Waive application fees for zoning for industrial purposes.
- Schedule capital improvements for infrastructure needs to improve access and availability to utilities.
- Work with developer to pre-certify and make shovel ready sites.
- Work with developer for capital gains deferrals.
- Combination of (above) options.

Pre-Certified Sites: Because of the locations, variety of needs and types of industrial development, there is no single definition of what it means to have a pre-certified site. The Task Force has defined such sites as “shovel-ready” with advance actions taken to lower the risk and construction time for

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companies interested in expanding or locating in Wichita. For purposes of this report, the Task Force recommends that such sites have such characteristics as: proper zoning, pre-platting, availability of utilities (including telecommunications), convenient access to interstate highways, drainage, environmental clearances, pre-permitted for commercial purposes, annexation, and effective development assistance.

The importance of having pre-certified sites cannot be understated. The Task Force feels that if the City's economic development recruitment is to be successful, readily available and pre-certified sites can be a distinct advantage in the competition for new business/industry. The underlying goal of pre-permitting (including environmental statements) is to complete development prior to business clients coming forward or to lay the groundwork for rapid completion of the permitting tasks once the project is defined. With rapid market changes and the need to move quickly, the development timeline from the point of concept to the opening of the new business/industry is growing shorter, requiring pre-certified available sites. The City will find it difficult to compete for those new businesses/industries that have quick timeframes if suitable sites are not available or not pre-certified and ready for development. Pre-certifying sites is as beneficial to expanding business as it is necessary for the City to be effective to attract new development.

Council Member Gray Council Member Gray spoke regarding private purchase of properties with tax abatements, and deferring the cost of utility installation until a certain portion of development has taken place.

Council Member Martz Council Member Martz said the Task Force was identifying areas that would be good for industrial parks. Tax incentives were identified as a possible way to get involvement - private, public, and joint ownerships. The types of incentives to be considered as developers come to the City.

A workshop, in the near future, should be held to discuss how to offer incentives. In the past, the City has not been prepared to act fast enough when the opportunity was presented.

Council Member Lambke Council Member Lambke said he would like to see the City stay away from purchasing land. The City could help owners of land and developers by putting in infrastructure and collecting payment as the sites develop. The owners would still pay taxes. The City should not give up tax moneys.

Mayor Mayans Mayor Mayans inquired whether anyone wished to speak and no one appeared.

Motion-- Martz moved that the Task Force Report be received and the Item be placed on a near-future  
-- carried workshop agenda. Motion carried 7-0.

## **WASTEWATER TREATED WASTEWATER CONTRACT - CITY OF BEL AIRE.**

Mayor Mayans momentarily absent with Vice Mayor Fearey in the Chair.

David Warren Director of Water and Sewer reviewed the Item.

Agenda Report No. 03-0853.

In April, 2003, CDM/PEC consultants completed a study to examine the feasibility of selling treated City wastewater for irrigation and industrial usage. This study concluded that economics of such a venture were not favorable for the City at this time. Recently, the City of Bel Aire approached the City of Wichita about the possibility of Bel Aire selling its Chisholm Creek Utility Authority treated wastewater to customers within the City limits of Wichita.

City staff have reviewed the Bel Aire proposal and identified the following alternatives for City Council consideration:

(1) Authorize Chisholm Creek Utility Authority to construct a distribution line into the City of Wichita to sell water to the Willowbend area.

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Bel Aire - through its contract utility service provider - the Chisholm Creek Utility Authority (CCUA), has offered to sell 70 million gallons/yr of treated wastewater (TWW) to Willowbend Golf Club (WGC). This volume, according to Bel Aire, would be sold at a cost of approximately \$42,000. The golf club would be responsible for a fixed payment of \$36,000 - regardless of the amount of water it utilizes. Willowbend Golf would also pay operating and maintenance costs associated with the volume of treated wastewater it consumed on a monthly basis. Based upon usage of 70 million gallons, it is estimated that operating and maintenance costs would be approximately \$6,000.

Additionally, the CCUA is offering to sell treated wastewater to the Willowbend Homeowners Association, the Thorn America Building, and others, but no firm commitments have been agreed upon from those entities. The Authority also offered to sell 50 million gallons to the City of Wichita if requested. Because treated wastewater is intended primarily for irrigation, these volumes would, most likely, be used primarily in the months of May through September.

The Chisholm Creek Authority's wastewater plant has a current flow of 1.1 million gallons per day. During its peak water usage month in 2001, WGC used almost 1.0 million gallons per day. If the Authority is not successful in marketing all of its wastewater, the unit cost of this product to customers contracting with CCUA may have to increase to cover the cost of improvements and operations.

(2) Authorize the City's Water/Sewer Utility to Purchase Bel Aire's Treated Wastewater for wholesale distribution for Wichita use.

Chisholm Creek Utility Authority has agreed to sell treated wastewater on a wholesale basis to the Wichita Water/Sewer Utility to resell to interested Wichita customers for irrigation and/or industrial purposes. The conditions of the sale would be the same as proposed for direct sale by the Chisholm Creek Authority to the Willowbend Golf Course/homeowners.

Under this option, the City of Wichita would be responsible for extending the wastewater pipe line from the termination of CCUA's system (approximately Rock Road @ 45th Street North) to Wichita customers. The cost to Wichita customers for this wastewater would be greater than the costs associated with the first option as the City would have to finance the distribution system and pay the necessary franchise fee cost. If Wichita were to buy all of CCUA's available wastewater, the City's Water/Sewer Utility would be at risk for marketing the wastewater product and agree to a "take or pay" contract with CCUA. To minimize that risk, the City would need to initiate a similar fixed cost contract with any customers seeking to buy the wastewater.

The following outlines a number of existing conditions that need to be considered in reaching a decision on the utilization of treated wastewater from Bel Aire.

As a result of Bel Aire's breach of its wholesale sewer service contract with Wichita, the City incurred a revenue loss of approximately \$400,000 annually, in addition to stranded costs associated with the system sizing.

Whether Bel Aire sells wastewater to customers in Wichita or the Wichita Water/Sewer Utility purchases this water to the same customers, the Wichita Utility will incur a loss of (gross water) revenues associated with those accounts. Should Wichita sell treated wastewater to those customers, it is possible that the Utility may make up a portion of the revenue loss.

The sale of treated wastewater to offset the use of potable water for irrigation extends the life of the City's current water supply and reduces some pressure on the potable water system during peak water use periods.

There is not enough treated wastewater available from the Chisholm Creek Authority to supply the irrigation and/or industrial needs of all potential customers in even the NE area of Wichita (other golf courses, homeowners associations, parks, recreation fields, etc.) Those entities who are not able to receive any treated wastewater may perceive an economic disadvantage.

There may be liabilities associated with the sale of treated wastewater. As the quality of this wastewater is less than that of potable water and more variable, it is possible that use of this water for irrigation could produce unknown and/or undesirable consequences (e.g. staining, odors, death of plants/grass).

Options for City Council Consideration: The City Council has the following options:

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1. Allow Chisholm Creek Utility Authority to sell treated wastewater to the Willowbend and other entities in Wichita and impose the same franchise fee on the Authority as all other utilities are charged for the use of City rights-of-way and easements. Under this option, and as a sale condition, the City should negotiate a contract requirement that allows the City to sell its own treated wastewater to these same customers when the City of Wichita's Water/Sewer Utility has such water available. In addition, each and every customer served within the City of Wichita must be allowed to terminate agreements with CCUA without penalty. Further, Bel Aire, or the Authority, would hold the City of Wichita harmless for any liabilities connected with the sale or use of this wastewater.

2. Authorize the City of Wichita's Water/Sewer Utility to purchase wastewater from the Authority on an agreed upon amount and wholesale cost and assume the risk of marketing that product to Wichita customers.

3. Reject the request of Bel Aire to market and sell treated wastewater within the City of Wichita.

If the City Council wishes to proceed with making this treated wastewater available for irrigation and business purposes within Wichita, staff would recommend that terms/conditions of Option #1 be pursued.

The Wichita Water Utility will incur a (current) gross revenue loss of \$78,000 per year from the loss of water sales to the Willowbend customer. The General Fund will incur a loss of \$3,900 (5% of gross sale) from loss of franchise fees from the Water Utility. Assuming the City imposes a 5% franchise fee on CCUA, the General Fund would receive about \$2,000 from CCUA for sales to the Willowbend Golf Course.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to speak and no one appeared.

Motion--  
-- carried

Schlapp moved that the Option No. 1 be selected, Staff be authorized to negotiate the terms/conditions of the necessary franchise agreements; and the necessary signatures be authorized. Motion carried 7-0.

## **PREMIER BEVER. IRB**

## **PUBLIC HEARING AND REQUEST FOR ISSUANCE FOR INDUSTRIAL REVENUE BONDS PREMIER BEVERAGE, INC. (DISTRICT IV)**

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0854

On April 15, 2003, City Council approved a Letter of Intent to issue industrial revenue bonds (IRBs) in the amount not-to-exceed \$3,325,000, to Premier Beverage Inc., and approved a 100% five-year tax exemption on bond-financed property plus a second five-year exemption following City Council review. The bond proceeds will be used to finance the cost of acquiring, constructing and equipping a distribution facility located at 4626 S. Palisade. Premier Beverage is requesting issuance of Industrial Revenue Bonds at this time.

Premier Beverage, Inc. is a wholly-owned subsidiary of Glazer's, one of the leading distributors of alcoholic beverages in the nation. Glazer's headquarters is located in Dallas, Texas and Premier Beverage has its corporate offices in Lenexa, Kansas. Premier Beverage is one of the largest wholesale distributors of wines, spirits and beer in Kansas, with warehouses in Topeka and Wichita. The company has chosen to consolidate its Kansas distribution operations in Wichita.

Premier acquired an existing distribution facility consisting of 53,740 s.f. and has committed to hire 30 new employees (in Wichita) in the first year of operation. The City's Business Incentive Policy permits the exemption of existing property only when the property has been vacant for a significant period of time. The property at has been vacant for over five years.

The warehouse facility will have a broad inventory of wines and spirits with an average case count of 60,000 to 80,000 cases on premise at a time. The company believes that the addition of such high-end

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wines and other quality products, would bring the city up to par with other communities and having its distribution center in Wichita will benefit the retail liquor and restaurant community. The company also anticipates that 60 to 80 out of town visitors per year will visit this facility spending on the average of two nights in the Wichita area.

The bond proceeds will be used to finance the cost of acquiring, constructing and equipping a distribution facility located at 4626 S. Palisade.

Council Member Schlapp momentarily absent.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to speak and no one appeared.

Motion--  
--carried

Gray moved that the Public Hearing be closed, the first reading of the Bond Ordinance be approved and the necessary signatures be authorized. Motion carried 7-0.

## ORDINANCE

An ordinance of the city of Wichita, Kansas, authorizing the issuance of \$3,325,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series III, 2003 (Premier Beverage, Inc.) for the purpose of providing funds to purchase, acquire, remodel and equip a commercial distribution facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Central Bank & Trust Company, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and between the city and Premier Beverage, Inc.; approving the form of a guaranty agreement; authorizing the execution of a bond placement agreement by and between the city and Glazer's Wholesale Drug Company, Inc., as purchaser of the bonds, introduced and under the rules laid over.

## CITY COUNCIL AGENDA

### TASK FORCE

#### SELECTION OF TASK FORCE – CONTRACTING (CONTINUED FROM 08/05/2003)

The City Council approved the appointment of a task force to review contracting procedures/policies, evaluate the effectiveness of such policies, and identify further actions. The Council deferred selection of members for further consideration on this Agenda.

Council Member Fearey

Council Member Fearey said the Consensus of the Council at the August 5th Council meeting was to take up this Item following a workshop.

Council Member Brewer

Council Member Brewer said the Task Force does not preclude having a Study conducted. If the Task Force wants a study to be conducted, the City Council will find funds to conduct the Study. Since the last City Council Meeting, all kinds of names have been suggested, e-mails have been received, and different groups have requested being on the Task Force. A committee was formed years ago - a Human Relations Board - that addressed these issues.

The Bond level also needs to be addressed in Topeka.

Council Member Schlapp

Council Member Schlapp said choosing the Task Force will be difficult. Some kind of workshop or discussion needs to be held before appointments to the Task Force are made.

Council Member Schlapp explained that she had previously had a small business and, as a woman-minority, had gone through the process of learning what was available and how to go through processes and the difficult application. There should be an effort/dialogue with Topeka to resolve the bonding issue. There should also be a means to make explanation to people on how to make an application.

Motion --

Fearey moved that this Item be set aside for a workshop on September 2, 2003, with this being the only Item on that date.

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Council Member Brewer Council Member Brewer said he wanted it understood that if comments come back from the Task Force to do a Study - the Study should be done immediately.

-- carried

Motion carried 7 to 0.

## TRAVEL EXP.

### APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES GOVERNING BODY MEETING IN KANSAS CITY, SEPTEMBER 11-12, 2003.

Motion--carried

Fearey moved that the expenditures be approved. Motion carried 7-0.

## BOARD APPOINTMENTS.

Motion--

Mayans moved that the following appointments be approved: Steve Winslow and Deann Sullivan – DAB V (Martz); Janet Mullen - WER (Lambke); and Barry George, Kenneth Bengston, Mike Thompson, Roger Brown, Howard Ellington, Craig Rhodes, Ron Doty, Sonia Greteman, Kent Williams, Rob Hartman, Phil Meyer, Tom Montgomery, Carol Wilson, and David Butler (Design Council). Motion carried 7-0.

-- carried

## CONSENT AGENDA

Mayans moved that that the Consent Agenda, be approved as consensus Items. Motion carried 7 to 0.

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 11, 2003.

Bids were opened August 8, 2003, pursuant to advertisements published on:

Boxthorn from the north line of Lot 10, Block C, south and east to the west line of Wawona; on Mainsgate from the south line of Lot 9, Block C, north to the south line of Lot 7, Block C, and on Ayesbury from the east line of Boxthorn, east to the northwest line of Lot 10, Block E; Boxthorn Court from the southwest line of Boxthorn west to and including the cul-de-sac; and on Ayesbury Court from the northeast line of Ayesbury, northeast to and including the cul-de-sac. Sidewalk constructed along one side of Boxthorn, Mainsgate and Ayesbury to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83484/765808/490919) Does not affect existing traffic. (District II)

Kansas Paving Company - \$311,530.00

Regency Park from 190 feet west of the west line of Lot 5, Block 2 to the west line of Lot 4, Block 1 to serve Regency Park Addition - north of K-96, west of Greenwich (472-83802/765807/490918) Does not affect existing traffic.. (District II)

Ritchie Paving - \$106,000.00

Bayley, Rue, and Lynnrae Lane from the east line of Bedford Court to the northeast line of Bayley, including the cul-de-sac to serve Lots 7 thru 10, Block C to serve Grace Park Addition - north of Harry, east of Greenwich. (472-83798/765806/490917) and; Bedford Court at the northeast corner of Lot 4, Block 4, Windsor Park Addition, and a cul-de-sac on Bedford Court at the east line of Lot 8, Block 4, Windsor Park Addition, and curb to gutter paving on Bedford from the south line of Bayley to Lincoln to serve Grace Park Addition - north of Harry, east of Greenwich. (472-83797/765805/490916) Does not affect existing traffic. (District II)

Ritchie Paving - \$190,051.75 (Bayley, Rue, and Lynnrae Lane)  
\$ 69,836.75 (Bedford Court)  
\$259,888.50 (Aggregate bid total)



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Rita, from the east line of Maize Road to the south line of Jewell; Jewell, from the west line of Rita to the east line of Crestline; Jewell Circle, from the west line of Rita, to and including cul-de-sac (Lots 18 thru 27, Block 1); Crestline from the north line of Lots 34, Block 2 to the south line of Jewell to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (472-83783/765804/490915) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$161,278.40

2003 Planeview Sanitary Sewer Rehabilitation, Phase A N/A - between Hillside and Oliver, north of 31st Street South. (468-83650/622239/643347);and 2003 Sanitary Sewer Rehabilitation, Phase C N/A - between Seneca and Woodland & 21st Street North and 55th Street South. (468-83664/620384/663505) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,VI)

Insituform Technologies - \$ 40,554.00 (2003 Planeview Sanitary Sewer)  
\$ 89,981.00 (2003 Sanitary Sewer Rehabilitation, Phase C)  
\$130,535.00 (Aggregate bid total)

Canal Route Manhole Reconstruction, Phase 1 - along I-135 Canal between Third Street and Kellogg. (468-83491/624077/652526) Does not affect existing traffic. (District I)

WB Carter Construction - \$198,000.00

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/STORM WATER DIVISION: Herbicides.

Vegetation Management Supply Inc. - \$16,225.25 (Group 1/total net bid)

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## **PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

- a. Lateral 488 Southwest Interceptor Sewer to serve Unplatted Tracts - north of Central, west of 119th Street West. (468-83504/743957/480645) Does not affect existing traffic. (District V) - \$33,000.00
- b. Water distribution system to serve Regency Park Addition - north of K-96, west of Greenwich. (448-89846/735136/470806) Does not affect existing traffic. (District II) - \$45,000.00
- c. Water distribution system to serve Grace Park Addition - north of Pawnee, east of Greenwich. (448-89842/735133/470803) Does not affect existing traffic. (District II) - \$56,000.00
- d. Lateral 5 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83643/743997/480685) Does not affect existing traffic. (District V) - \$417,000.00
- e. Lateral 6 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83644/743998/480686) Does not affect existing traffic. (District V) - \$57,000.00

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- f. Lateral 7 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83645/743999/480687) Does not affect existing traffic. (District V) - \$89,000.00
- g. 2003-2004 CDBG Street, Curb, Gutter & Sidewalk Improvements (sidewalk repairs) - north of 8th Street North, east of Arkansas. (472-83810/602500/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,VI) - \$100,000.00
- h. Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (448-89832/735138/470808) Does not affect existing traffic. (District V) - \$98,000.00
- i. Lateral 2, Main 11 Four Mile Creek Sewer to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East) (468-83401/743996/480684) Does not affect existing traffic. (District II) - \$204,000.00
- j. Water Distribution System to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East) (448-89660/735137/470807) Does not affect existing traffic. (District II) - \$98,000.00
- k. Storm Water Sewer #587 to serve Woodland Lakes Estates 3rd Addition (north of Harry, west of 127th Street East) (468-83593/751336/485227) Does not affect existing traffic. (District II) - \$463,000.00
- l. Street closures associated with the Central Rail Corridor - between Douglas and 17th Street North. (468-83473/715226/242226) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$749,826.60
- m. Lateral 493 Southwest Interceptor Sewer to serve Shelly's Orchard Addition - north of Pawnee, east of Maize. (468-83641/743994/480682) Does not affect existing traffic. (District V) - \$74,000.00
- n. Water distribution system to serve Shelly's Orchard Addition - north of Pawnee, east of Maize. (448-89840/735132/470802) Does not affect existing traffic. (District V) - \$64,000.00
- o. Water distribution system to serve The Collective Addition - south of 21st Street North, east of K-96. (448-89646/735139/470809) Does not affect existing traffic. (District II) - \$73,200.00
- p. Lateral 3 Main 10 Four Mile Creek Sewer to serve The Collective Addition - south of 21st Street North, east of K-96. (468-83371/744001/480689) Does not affect existing traffic. (District II) - \$128,000.00
- q. Storm Water Drain #183 to serve The Collective Addition - south of 21st Street North, east of K-96. (468-83372/751340/485231) Does not affect existing traffic. (District II) - \$350,000.00
- r. Installation of a force main for Main 19 Southwest Interceptor Sewer, Phase 1b from the new pump station constructed at 29th Street North, east of Ridge Road to the existing sanitary sewer within Sedgwick County Zoo Park - 29th Street North, east of Ridge Road to 21st Street. (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$980,238.64
- s. Installation of a sanitary sewer pump station for Main 19 Southwest Interceptor Sewer Phase 1a (29th Street North, east of Ridge Road) (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,023,219.00
- t. Storm Water Drain #186 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83404/751339/485230) Does not affect existing traffic. (District II) - \$133,200.00

Motion--carried

Mayans moved that the file be approved. Motion carried 7-0.

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## **DEEDS/EASEMENTS    DEEDS AND EASEMENTS:**

- a) Acquisition of Sewer Easement at 7717 West 37th Street North; Northwest Sewer Project (District V)
- b) Utility Easement dated June 16, 2003 from Roger L. and Susan A. Oswald for a tract of land located in Reserve "D", Block 3, Forest Lakes Addition to Wichita, Sedgwick County, Kansas (Private Project). No cost to City.
- c) Drainage and Utility Easement dated June 13, 2003 from Brighton Courts, L.L.C., for a tract of land located in Lot 1, Block 1, Legacy Park Wilson Estates Addition to Wichita, Sedgwick County, Kansas. (Private Project). No cost to City.
- d) Utility Easement dated July 17, 2003 from Michael W. Popp and Ann L. Popp for a tract of land located in the Northeast Quarter of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Basin 4, OCA #624054).
- e) Sanitary Sewer Easement dated June 20, 2003 from Jelco, L.L.C., for a tract of land located in Lot 5, Block 1, The Collective, an Addition to Wichita, Sedgwick County, Kansas. (Lat. 3, 10 FMC, OCA #744001). No cost to City.
- f) Sanitary Sewer Easement dated July 7, 2003 from Dwight M. Diefenbach for a tract of land located in Northwest Quarter of Section 23, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. (Lat. 3, 10 FMC, OCA #744001). No cost to City.
- g) Dedication dated July 23, 2003 from Waterfront Holdings Company, L.L.C., a Kansas Limited Liability Company for tracts of land located in The Waterfront Addition, an Addition to Wichita, Sedgwick County, Kansas (OCA #765798). No cost to City.
- h) Sidewalk Easement dated July 23, 2003 from Waterfront Holdings Company, L.L.C., a Kansas Limited Liability Company for tracts of land located in Lots 1 and 2, Block 1, The Waterfront Addition, an Addition to Wichita, Sedgwick County, Kansas (OCA #765798). No cost to City.
- i) Drainage and Utility Easement dated July 16, 2003 from The Waterfront Commercial Properties, L.L.C., a Kansas Limited Liability Company for a tract of land located in Lot 8, Block 1, The Waterfront Addition, an Addition to Wichita, Sedgwick County, Kansas (OCA #765798). No cost to City.
- j) Utility Easement dated July 16, 2003 from Beech Lake Development, L.L.C., a Kansas Limited Liability Company for tracts of land located in the Southwest Quarter of Section 9, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. (OCA #765798). No cost to City.
- k) Utility Easement dated July 16, 2003 from The Waterfront Commercial Properties, L.L.C., a Kansas Limited Liability Company for tracts of land located in Lots 6, 7 and 8, Block 1, The Waterfront Addition, an Addition to Wichita, Sedgwick County, Kansas (OCA #735134). No cost to City.

Motion--carried

Mayans moved that the file be received. Motion carried 7-0.

## **STREET CLOSURES    CONSIDERATION OF STREET CLOSURES/USES.**

There were no Street Closures considered.

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## FOOD SERVICES

### CONTRACT FOR MANAGEMENT OF FOOD SERVICES

Agenda Report No. 03-0855

The City Hall Cafeteria operated from the time City Hall first opened in November 1975 through the current year, except for a brief period from 1996 through January 1998. The current operator J&D Group (dba City Bistro) opened in January, 1998. The current contract guarantees a weekly gross of at least \$4,300 with the City obligated for custodial and maintenance of City-owned equipment. The City has not incurred a subsidy payment since 2002. The City Bistro's contract expires as of September 1, 2003. A Request for Proposals were sent to twenty (20) vendors. A pre-proposal conference was held to provide a tour of the facility. Four (4) vendors attended the pre-proposal conference.

One vendor submitted a proposal. J&D Group (current contractor) submitted a proposal requesting a monthly management payment of \$1,250 with the City continuing the custodial and maintenance. With the opening of the County cafeteria, the Bistro has not been able to maintain the level of business needed to continue a viable business without a management payment. Under this proposal, the City Bistro would continue its current lunch menu (includes a hot bar with daily entrees) and variety of vegetables, grilled sandwiches, soup bar, salad bar, wrap bar, dessert bar, deli sandwich bar and snack stations along with a full breakfast menu which includes hot and cold selections with a full breakfast menu which includes hot and cold selections.

The Bistro provides a convenient place for employees (and visitors) to have breakfast/lunch. It has some advantages of saving employee's time from going out to lunch and is looked upon as an employee benefit offered by the employer.

The Law Department will review and approve the contract as to form.

Under the terms of the agreement, the City's annual base commitment would not exceed \$15,000, excluding custodial and any maintenance costs. The funds are budgeted.

Motion--  
-- carried

Mayans moved that the contract with J&D Group, Inc. (dba City Bistro) be approved for a period of one year with the option to renew for two additional (one) year terms. Motion carried 7-0.

## WESTAR ENERGY

### RELOCATION OF WESTAR ENERGY ELECTRIC LINES FOR THE HOOVER ROAD IMPROVEMENT AND CESSNA AIRCRAFT FACILITY EXPANSION (DISTRICT IV)

Agenda Report No. 03-0856

On September 25, 2001, the City Council approved a project to improve Hoover Road, from south of 31st Street South to Harry. The project is a partnership of the City of Wichita, Sedgwick County, and the State of Kansas. On March 25, 2003 the City approved an agreement to relocate electric lines underground in an existing sanitary sewer easement in the vicinity of the new Cessna Aircraft Service Center.

Cessna Aircraft has been working with Westar to relocate additional electric lines underground to the south of the original agreement, continuing in the existing sanitary sewer easement.

An Agreement has been prepared which formalizes this arrangement.

There is no financial impact to the City for placing the lines in the existing easement.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7-0.

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## COMPUTER EQUIP. COMPUTER EQUIPMENT AND MAINTENANCE – SELECTION OF VENDOR

Agenda Report No. 03-0857

The City purchases computer equipment and maintenance through a bid process based on each requirement. To secure volume pricing/discounts, staff explored securing a master contract for computer purchases in 1996 and 2000. In 2003, it was determined that optimal pricing could be attained by splitting the contract into four sections: (Computer Hardware, Support Services and Maintenance, PC and Monitor Removal, and PC Accessories and Peripherals) each being awarded on its own merit.

A competitive Request for Proposal (RFP) for computer equipment and maintenance was posted and 15 responses were received. A staff screening and selection committee consisting of the IT Operations Manager, IT/IS Help Desk Manager, IT Administrative Assistant, and the Purchasing Manager, reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal.

Dell Computer Corporation's proposal for the Computer Hardware section offered the lowest priced PC and monitor for \$959.01 each, including imaging services. Three year onsite technical support is included and extensive purchasing and technical support are available online. In the Support Services and Maintenance section, Computer Source proposed an hourly rate of \$45 and a depth of technical qualification that exceeded the expectations of the RFP. In order to be good environmental stewards, Cartridge Recycling of America offered removal of all electronic waste from the City at no charge and in some cases would pay the City for items. They are compliant with all EPA regulations concerning electronic waste. Global Government and Educational Solutions proposal for the PC Accessories and Peripherals section was competitively priced and the company maintains a large inventory on-hand to ensure same day shipping on most products. The City will incur no shipping costs from Global.

Computer equipment and maintenance service costs are within departmental operating budgets.

The Law Department will review and approve the contracts as to form. The contracts will be for one year with an annual renewal options for an additional two years.

Motion--  
-- carried

Mayans moved that the contracts be approved and the necessary signatures be authorized. Motion carried 7-0.

## CHANGE ORDER CHANGE ORDER - SOUTHWEST WATER TRANSMISSION LINE – ALONG SOUTHEAST BOULEVARD, NORTH OF PAWNEE (DISTRICT III)

Agenda Report No. 03-0858

On September 17, 2002, the City Council approved a \$2,339,603 construction contract to extend a water transmission line along Southeast Boulevard to provide water to the City of Derby. Wichita's waterline will eventually connect to a large meter building that Derby will construct. In order to provide water in the interim, it is recommended that a 21" waterline be extended to Derby's water system. The additional connection can also serve as a secondary water source in the future.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$21,730. The funding source is the Water Utility.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7-0.

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## **SUPPORT VENDOR      SUPPORT VENDOR FOR THE BANNER WATER UTILITY BILLING SYSTEM.**

Agenda Report No. 03-0859

MAK Consulting was chosen after a competitive process to complete the upgrade of the Banner Water Utility Billing System in 2002. Due to their superior work on the upgrade they were then selected as the support vendor for 2002 – 2003. MAK Consulting has provided us a highly robust support offering to address the necessary issues faced with processing 6,500 bills on a daily basis. MAK's support has continually exceeded expectations. The Banner software application has been certified by MAK Consulting that they can support the entire product including any modifications, they are therefore the necessary support vendor.

Staff has negotiated a revised scope of work and price structure amended to the existing contract with MAK Consulting for maintenance support for the Banner Water Utility Billing system, and Banner enhancements. This revised scope of work replaces the existing one year scope of work with a two year scope of work and adds additional support hours for critical after-hours issue resolution. This new scope of work provides the City with a two year support agreement for the Water Utility Billing software that will provide continued stability and software assurance to process its 6,500 daily water bills.

Funds are available in the Information Technology budget for the amount of the two year support contract, \$202,400. The payment for 2003 will be \$117,400 and for 2004 it will be \$85,000.

Motion--  
--carried

Mayans moved that the Contract and revised scope of work with MAK Consulting as the new Water Utility Billing support and system enhancement vendor be approved. Motion carried 7-0.

## **GOLF COURSES      LW CLAPP AND MACDONALD GOLF COURSES.**

Agenda Report No. 03-0860

The City currently operates five municipal courses. All maintenance functions at all courses are performed by City staff. At one course (Auburn Hills), City staff also manages the clubhouse. Clubhouse operations of the other four courses are managed by contract golf pros. Recently, the contract managers of LW Clapp and MacDonald golf courses have terminated their contracts with the City, under a 90 day cancellation provision.

To continue providing seamless golf services at LW Clapp and MacDonald golf courses upon the termination of the current contracts, City staff anticipates absorbing the clubhouse management functions. As many as four full-time city positions may be necessary, in addition to part time staff. Initial expenses will include the purchase of a golf cart fleet, concession inventory, pro shop inventory and modest facility enhancements.

The 2003 Proposed includes \$180,000 in contingency revenue and expenditure authority in the event the City operates course clubhouses. Although there will be non-recurring costs in the current year, the overall net financial impact on the Golf Fund will be positive.

The Golf Fund is not certified under state law. Budget adjustments over \$25,000 require City Council approval.

Motion--  
-- carried

Mayans moved that the additional full/part-time positions be approved and the transfer of funds be authorized. Motion carried 7-0.

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## PROPERTY ACQ.

### **ACQUISITION OF A PORTION OF 5654 SOUTH HYDRAULIC: HYDRAULIC IMPROVEMENT PROJECT (DISTRICT III)**

Agenda Report No. 03-0861

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping, will require the partial acquisition of twelve tracts. The tenth of the twelve tracts to be acquired is a portion of 5654 South Hydraulic, owned by D. E. Van Dolah. The property contains 1.23 acres and is presently improved with a single family residence.

The planned improvement of Hydraulic will require a 2,780 square foot strip of land adjacent to Hydraulic. A fence will need to be replaced and a tree will be removed; no other improvements will be affected by the acquisition. An offer of \$5500.00 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$6,000.00 is requested. This includes \$5,500.00 for the acquisition, and \$500.00 for closing costs and title insurance.

Motion--  
-- carried

Mayans moved that: 1) the budget be approved, 2) the Real Estate Purchase Contracts be approved, and the necessary signatures be authorized. Motion carried 7-0.

### **ACQUISITION OF SEWER EASEMENT AT 7717 WEST 37TH STREET NORTH; NORTHWEST SEWER PROJECT (DISTRICT V)**

Agenda Report No. 03-0862

The City Council has approved the construction of force mains, pump stations, and gravity-flow sewer lines to serve northwest Wichita. Part of the planned development calls for the construction of mains to provide service to the area between Tyler Road, the Big Ditch, K-06 and 21st Street North. One of the lines will cross property owned by Mike and Ann Popp at 7717 West 37th Street North. .

The permanent line easement contains approximately 2,785 square feet. The owner has agreed to grant the City the easement for \$350.

A budget of \$350 is requested for the acquisition.

Motion--  
--carried

Mayans moved that the budget and Utility Easement be approved and the necessary signatures be authorized. Motion carried 7-0.

## PROPERTY DISP.

### **SALE OF REMNANT LAND NEAR KELLOGG AND ARMOUR. (DISTRICT II)**

Agenda Report No. 03-0863

The improvement of East Kellogg near Armour required the acquisition of approximately 42,000 square feet of land from the auto dealership at 7310 East Kellogg. The highway expansion would also encroach into the buildings, requiring their removal. The property owner did not wish to relocate from the site. The City and the owner, Rusty Eck Ford, reached an agreement whereby the City got the land needed for the highway project. In exchange, the owner would maintain the remainder of their site, acquire any surplus City land west of the existing site to Eastborough and receive cash compensation. The owner was also required to remove the existing improvements at his cost. Based on final construction plans, there are several small strips of land around the dealership that are surplus that are not required for the actual construction of the highway. The property owner has requested that he be allowed to purchase these for incorporation in his redevelopment. .

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The strips vary in width from approximately 2 feet wide to 12 feet wide. The buyer has offered \$25,000 for these parcels. There are utilities in much of the land being transferred and the buyer has agreed to sign a utility easement allow any existing utilities to remain and others to be placed if need be. In addition, the buyer has agreed to match the project grade levels as part of his development project. He will use the land for parking and landscaping in the redevelopment.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion--  
--carried

Mayans moved that the Real Estate Purchase Contracts be approved, and that the necessary signatures be authorized. Motion carried 7-0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ AUGUST 5, 2003)

- a) Main Street Improvement - Douglas to Murdock. (District VI)

#### ORDINANCE NO. 45-777

An Ordinance declaring Main Street, From Douglas to Murdock (472-83811) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be adopted. Motion carried 7-0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) 2003 Street Rehabilitation Program. (District II)

#### ORDINANCE NO. 45-778

An Ordinance declaring Meridian, from Macarthur to Carey Lane, Kellogg Drive, from Greenwich to Zelta, 127th Street East, Rocky Creek Parkway to 21st Street North, and Brookhaven, from Harry to Lincoln (2003 Street Rehabilitation Program) 472-83672, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be adopted. Motion carried 7-0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) ZON2003-30 - Southeast Corner of Central and Baehr. (District IV)

#### ORDINANCE NO. 45-779

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Moved that the Ordinance be placed on its passage and adopted, read for the second time. Mayans moved that the Ordinance be adopted. Motion carried 7-0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-30)

- d) CUP2003-33 - (Associated with ZON2003-33) – Southwest Corner of Central and Tyler. (District V)

#### ORDINANCE NO. 45-780

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. moved that the Ordinance be placed on its passage and adopted, read for the second time. Mayans moved that the Ordinance be adopted. Motion carried 7-0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-33)



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- e) ZON2002-26 - Southeast and Southwest Corners of Kellogg and Oliver. (District III)

## ORDINANCE NO. 45-781

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. moved that the Ordinance be placed on its passage and adopted, read for the second time. Mayans moved that the Ordinance be adopted. Motion carried 7-0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2002-26)

- f) ZO2003-23 - North of Harry, West of Greenwich Road. (District II)

## ORDINANCE NO. 45-782

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Moved that the Ordinance be placed on its passage and adopted. Motion carried 7-0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ( ZON2003-23)

## PLANNING AGENDA

SUB2003-22

### SUB2003-22 - PLAT OF WILLOWBEND NORTH ESTATES SECOND ADDITION - WEST OF ROCK ROAD, SOUTH OF 45TH STREET NORTH. (DISTRICT II)

Agenda Report No. 03-0864

This unplatted site, consisting of 24 lots (9.33 acres) is located within the City Limits.

Petitions, all 100%, have been submitted for sewer, water, paving and drainage improvements. A Certificate of Petitions has been submitted.

A 15-foot street, drainage, and utility easement was platted with a covenant provided restricting the use of easements to allow for a street with a narrow or nonstandard right-of-way dedication.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

A Restrictive Covenant was be submitted regarding the private street providing for the ownership and maintenance responsibilities of the private street. A Temporary Sanitary Sewer Easement has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants and Temporary Sewer Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Schlapp moved that the documents and plat be approved, the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7-0.

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## RESOLUTION NO. 03-438

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-898655, (west of Rock, South of 45<sup>th</sup> Street North) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-439

Resolution of findings of advisability and Resolution authorizing constructing of Lateral 67, Main 9, Sanitary Sewer #23, 468-83686, (west of Rock, South of 45<sup>th</sup> Street North) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-440

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 215, 468-83687, (west of Rock, South of 45<sup>th</sup> Street North) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-441

Resolution of findings of advisability and Resolution authorizing improving Barton Creek, from the north line of the Plat, south and east to Barton Creek Circle, on Barton Creek Circle, from the north line of Barton Creek, south to and including the cul-de-sac, 472-83833, (west of Rock, South of 45<sup>th</sup> Street North) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CUP2002-00002

### **CUP2002-00002 (ASSOCIATED WITH ZON2002-0003)-CREATION OF THE FLATCOAT III COMMUNITY UNIT PLAN AND ZONE CHANGE TO GENERAL COMMERCIAL-NORTH OF I-235 AND EAST OF WEST STREET, (DISTRICT IV)**

Agenda Report No. 03-0865

The applicant is requesting the creation of DP-258 Flatcoat III Community Unit Plan for a very large self-service storage warehouse development on an 18.53-acre tract. The request was originally filed for "GC" General Commercial zoning, but has been changed to a request for "LC" Limited Commercial.

The application area is located on the northeast corner of the I-235/West Street interchange. Access is proposed from Calvert Street, a local residential street bordering the north of the application area. The Protection Drainage Ditch separates the site from Calvert Street. This is a major drainage ditch extending several miles along the northern side of I-235 and eventually connecting with the Arkansas River. The area to the north is a single-family residential neighborhood with homes built in the 1960s and 1970s and is generally well maintained. Many of these homes have exteriors of wood and brick with gable roofs.

The site is bounded on the south by I-235. Two large tracts are located to the east/northeast. These are Cleaveland Traditional Magnet School and the YMCA South Branch. Industrial and commercial uses are located to the west of West Street.

The applicant submitted a revised site plan and an architectural rendering for the proposed self-service storage warehouse development with 32 mini-storage buildings on the interior of the site plus over 1/3-mile long continuous wall (exterior of the building) on the north and a longer wall (exterior of the

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building) on the south. The north wall is visually articulated with building wall insets, vertical columns, and wrought iron fencing between the insets. An office/residence is located near the west entry. The C.U.P. maximum building coverage would allow a maximum of 280,450 square feet of building coverage and a maximum building height of 18 feet, and the revised site plan showed 170,000 square feet of building area. The backs of the storage units form the exterior walls and have no overhead doors. Proposed building materials are tan metal panel walls with brown trim and brown pressed metal roofs with a low pitch except for a drive type system on the northern façade.

Prototype landscaping is shown around the perimeter of the buildings on the rendering, and is specified as being at 1½ times that required by the Landscape Ordinance on the C.U.P. drawing. Lighting is per Unified Zoning Code with the additional restriction of all exterior lighting being attached to the buildings. Proposed signage restrictions are a ban on flashing, rotating or moving signs, portable signs, off-site signs, banners and pennants. Otherwise signage would be per code.

The proposed CUP meets the Conditional Use standards of Section III-D.6.y for self-service warehouses located in the "GO" General Office and "LC" Limited Commercial districts except in the two respects. First, the site is not contiguous with a less restrictive zoning district. It is contiguous only with right-of-way for I-235, West Street (for a short frontage of 39 feet), and the Protection Drainage Ditch. The zoning across the streets to the north and east is "SF-5" and to the west is "LI" Limited Industrial. Second, the site does not have direct access onto an arterial street (West Street); the access is located one block to the east via Calvert Street. The applicant's original request for "GC" zoning was meant to avoid the need for a variance of these standards. However, the latest amendments to the Unified Zoning Code allow the appropriate governing body to waive or modify these standards as a part of the Conditional Use (or in this case C.U.P.) review/approval.

At the MAPC meeting held February 21, 2002, MAPC voted (10-2) to approve "LC" Limited Commercial for the application area but to defer action on the C.U.P. request. This deferral was to allow the applicant and staff to work toward resolving issues about the scale and compatibility of the large project with the nearby residential neighborhood.

Staff was recommending grouping the buildings into clusters more consistent with other size mini-storage projects in Wichita, typically around three to four acres in size. Each cluster would be visually separated to reduce the mass of the project. Other concerns were use of building materials with a residential character and roof pitch, and enhancing the visual corridor along I-235. Staff's recommendation for approval was based on achieving these objectives to mitigate the development's impact on the neighborhood and visual corridor.

The District IV Advisory Board considered this application at its meeting held on March 6th and voted (3-2) to recommend approval subject to staff recommendations. Many residents from the Southwest Village Neighborhood Association were present and spoke in opposition. Prime concerns were drainage and traffic. Drainage was repeatedly noted as a threat. The neighbors stated that the Protection Drainage Ditch is not adequately handling the current runoff, and this would be worsened by the development. The other concern was traffic from trucks using the storage facility, the inadequate turning radius from West Street to Calvert Street, and not wanting the entrance across from Calvert Court.

At the MAPC meeting held March 7, 2002, MAPC voted (10-2) to recommend approval subject to staff recommendations with the following modifications: the continuous wall (back of the exterior buildings) would be allowed as long as it had insets with wrought iron and landscaping, drivet type exterior was required for the north elevation but not along I-235, all signage along Calvert was eliminated, very low pitch roofs were allowed, and the location of the entrance could be shifted east of Calvert Court subject to further study by the traffic engineer. Since the MAPC meeting, drainage and traffic issues have been evaluated by the Public Works Engineering staff. Drainage needs that result from this development are intended to be handled through on-site detention requirements when the property is platted. The traffic engineer's analysis indicates that the applicant will need to increase the curb radius for vehicles turning right from northbound West Street to eastbound Calvert.

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Protest petitions representing 40 percent of the property within 200 feet of the application area have been filed against the "LC" zoning request. This protest means it will take a vote of six council members to approve the rezoning.

On April 2, 2002, the City Council voted (7-0) to deny the application. The Applicant appealed the decision to District Court. After trial on the record, the Court issued its decision on July 23, 2003. The District Court declined to grant the Applicant's request for approval of the rezoning and CUP, but the Court remanded the case back to the City Council for reconsideration of the Council findings and decision. The case comes back to the City Council in the same posture that existed when the MAPC recommendation was originally forwarded. Several options exist for Council action in compliance with the Court order, but with the passage of time and with additional information provided since the MAPC hearing, Council may want to determine whether the same conditions and considerations still exist.

Motion--

Gray moved that the application be returned to DAB IV and to the MAPC with a request for reconsideration and recommendation after notice to interested parties and public hearing be returned. Motion carried 7-0.

-- carried

## AIRPORT AGENDA

### AIRPORT

#### AGREEMENT-YINGLING AIRCRAFT, INC.-USE OF FACILITY

Report No. 03-0866

Yingling Aircraft operates one of three fixed base operations (FBOs) located at 2010 Airport Road on Wichita Mid-Continent Airport. Yingling is interested in leasing an additional facility located at 2000 Airport Road, adjacent to their current leasehold.

This facility was constructed in 1962 and contains 4,000 sq. ft. of office and shop areas. Employees located in this facility will be responsible for all soft goods upholstery for aircraft interior completion and refurbishment of Cessna Caravan aircraft. Fifteen employees will be relocated to this facility.

The facility has been appraised by the Martens Companies at \$6.25/sq.ft. This rate will generate \$25,000 per year in revenue. The agreement is for three years commencing August 16, 2003 and terminating August 15, 2006.

Motion--

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7-0.

-- carried

### AIR MIDWEST, INC.

#### AGREEMENT-AIR MIDWEST, INC. – USE OF FACILITY

Agenda Report No. 03-0867

In 1975, Air Midwest, Inc. constructed a hangar with office space located at 2203 Air Cargo Road on Wichita Mid-Continent Airport. Per Wichita Airport Authority policy, during the period the facility is being amortized, the only rent payable to the WAA is land rent. The term of the land rent agreement expired April 30, 2003.

Air Midwest is desirous of continuing its relationship with the WAA by leasing this facility which houses its airline administration, dispatch, flight control and training. The term of the agreement is for a two-year period, with a six-month cancellation provision.

The facility has been appraised by the Martens Companies. The fair market rental value is \$75,550 per year. All maintenance associated with the facility will be the responsibility of Air Midwest, with the exception of structural and roof repairs.

# CITY COUNCIL PROCEEDINGS

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Motion-- Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion  
--carried carried 7-0.

## EXECUTIVE SESSION

Motion -- Mayans moved that the City Council recess into executive session to consider consultation with legal  
counsel on matters privileged in the attorney-client relationship relating to legal advice and contract  
negotiations, and matters relating to employer-employee negotiations; and that the City Council return  
-- carried from executive session in the City Council Chambers no earlier than 12:30 p.m. Motion carried 7 to 0.

RECESS The City Council recessed at 11:52 a.m. and reconvened in the Council Chambers at 12:35 p.m.

Mayor Mayans Mayor Mayans announced that no action was necessary as a result of the executive session.

Adjournment The City Council adjourned at 12:35 p.m.

Pat Graves, CMC  
City Clerk